

Remarks

Preliminary Amendment

Claims 1-13 and 18-31 have been canceled. Claims 14-17 stand withdrawn from consideration. Elected claims 32-47 have been added.

No new matter is added by the amendments and additions made herein. Support for the newly added claims directed to antibodies is found throughout the specification, for example, at page 18, lines 9-17, and at page 47, lines 1-7. Kits such as those recited in claims 41-43 are disclosed in the specification, for example at page 33, lines 1-20. Antibody production methods such as those recited in claims 44 and 45 were well known in the art as of the time this application was filed, and are supported in view of the sequence information presented for MCT-1 for the first time in this application. Antibody-based methods for detecting a binding partner of an antibody, as recited in claims 46 and 47 were also well known in the art as of the time this application was filed, and are supported in view of the sequence information presented for MCT-1 and further in view of the tumor-specific information disclosed, for example at page 6, lines 17-26, of the specification.

Restriction Requirement

In the Restriction Requirement dated 11 February 2002 (Paper No. 6), the Examiner required restriction among Groups designated I-XIII. Claims to groups I, II, and IV-XIII have been canceled. The Applicant has not previously elected one of Groups I-XIII.

Claims 32-47 have been added, and the Applicant believes that all of these claims correspond to a single examinable group of claims relating to anti-MCT-1 antibodies. The Applicant respectfully requests that the Examiner consider **claims 32-47 as the elected group for prosecution on the merits**, and that the Examiner consider claims 14-17 to be withdrawn from consideration.

In the event the Examiner refuses to permit examination of the newly added claims, the Applicant provisionally elects the claims of Group III, namely claims 14-17 for prosecution on the merits.

Summary

The Applicant requests entry of this Preliminary Amendment and early and favorable examination of elected claims 32-47.

Respectfully submitted,

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